

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
SPECIAL CIVIL APPLICATION No. 4492 of 1988

For Approval and Signature:

HONOURABLE MR.JUSTICE S.R.BRAHMBHATT

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1 Whether Reporters of Local Papers may be allowed
to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy
of the judgment ?

4 Whether this case involves a substantial question
of law as to the interpretation of the
constitution of India, 1950 or any order made
thereunder ?

5 Whether it is to be circulated to the civil judge
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HARESHWAR H KHATRI - Petitioner(s)
Versus
STATE OF GUJARAT & 3 - Respondent(s)

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Appearance :

MR JJ YAJNIK for Petitioner(s) : 1,
MR HK MAKWANA AGP for Respondent(s) : 1 - 3.
MR SP HASURKAR for Respondent(s) : 1 - 2.
RULE NOT RECD BACK for Respondent(s) : 4,

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CORAM : HONOURABLE MR.JUSTICE S.R.BRAHMBHATT

Date : 27/09/2007

ORAL JUDGMENT

1. Mr. J.J. Yagnik, learned advocate under the

instruction of his client, seeks permission to withdraw this petition, so as to make representation to the respondents - Authorities for his reinstatement and consequential benefits.

2. Mr. Makvana, learned A.G.P. submits that the petitioner had in fact not accepted the offer of reinstatement, way back in 1991 and thereafter, looking to the affidavit, appropriate decision is to be taken even on the point of the reinstatement also.

3. Mr. Yagnik, learned advocate submits that the offer of reinstatement was coupled with the condition of withdrawing this petition as now this petition is being withdrawing, the Authority may decide the representation of the petitioner in accordance with law on the point of reinstatement as well as consequential benefits after affording opportunity of being heard to the petitioner.

4. In view of this, following directions are issued in the interest of justice.

If the petitioner makes representations for reinstatement with consequential benefits, then the same shall be decided in accordance with law by the respondent after affording opportunity of being heard to the petitioner within reasonable time. Liberty is reserved to the petitioner to approach the Court in the event of any adverse order is passed in the representations.

5. Permission as sought for, is granted. The matter is dismissed as withdrawn. Interim relief, if any, granted earlier, stands vacated. Rule is discharged with a liberty to the petitioner to approach this Court in case of any adverse order on his representation.

(S.R. BRAHMBHATT, J.)

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